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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DAVID C. VIERRA; DANIELLE J. VIERRA;
and DANIELLE J. VIERRA as trustee of THE
DELIA N. VIERRA TRUST,

Plaintiffs,

v.

MOSS LANDING POWER COMPANY,
LLC; MOSS LANDING ENERGY STORAGE 3,
LLC; VISTRA CORP.; DYNEGY OPERATING
COMPANY; VISTRA CORPORATE
SERVICES COMPANY; LG ENERGY
SOLUTION, LTD.; L.G. ENERGY GROUP,
LLC; LG ENERGY SOLUTION ARIZONA,
INC.; LG ENERGY SOLUTION MICHIGAN,
INC.; LG ENERGY SOLUTION VERTECH,
INC.; PACIFIC GAS AND ELECTRIC
COMPANY; and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 5:25-CV-04228-PCP

**STIPULATION AND ~~PROPOSED~~
ORDER REMANDING TO STATE
COURT**

1 The parties to the above-captioned litigation, by and through their respective counsel, hereby
2 agree and stipulate as follows:

3 WHEREAS, Plaintiffs filed a Complaint on April 14, 2025, in Monterey County Superior
4 Court, State of California., Case No. 25CV001943;

5 WHEREAS, Moss Landing Power Company, LLC; Moss Landing Energy Storage 3, LLC;
6 Vistra Corp.; Dynegy Operating Company; and Vistra Corporate Services Company (collectively,
7 “Vistra”) removed *Schmidt v. Moss Landing Power Company, LLC*—a case arising out of the same
8 event and which asserts substantially similar claims to the ones asserted in this case—from the Superior
9 Court of the State of California for the County of Alameda (Case No. 25CV109594) to this court (Case
10 No. 4:25-CV-02475-YGR);

11 WHEREAS, Plaintiffs filed an Amended Complaint in Monterey County Superior Court on
12 May 16, 2025;

13 WHEREAS, also on May 16, 2025, Vistra, with the consent of LG Energy Solution, Ltd.; LG
14 Energy Solution Arizona, Inc.; LG Energy Solution Michigan, Inc.; and LG Energy Solution Vertech,
15 Inc. (collectively, “LG”) and Pacific Gas and Electric Company (“PG&E”), removed the *Vierra* state
16 court action to this Court;

17 WHEREAS, on June 16, 2025, Plaintiffs filed a motion to remand this action to the state court;

18 WHEREAS, on July 14, 2025, Vistra, LG, and PG&E filed oppositions to the motion to remand;

19 WHEREAS, on August 4, 2025, Plaintiffs filed a reply in support of the motion to remand;

20 WHEREAS, the Court has not yet issued an order on the motion to remand;

21 WHEREAS, on August 6, 2025, the court in *Schmidt* ordered remand to the state court;

22 WHEREAS, the Parties have agreed that this action may be remanded to the State Court;

23 WHEREAS, this request is made in good faith and not for the purpose of delay but for judicial
24 and party efficiency;

25 WHEREAS, the Parties have agreed that each Party shall bear its own attorneys’ fees and costs
26 with respect to the removal and subsequent remand of this action.

27 NOW THEREFORE, the Parties hereby agree and stipulate, subject to the Court’s approval,
28 that this Court may remand this action to the State Court.

1 **IT IS SO STIPULATED.**

2
3 DATED: August 22, 2025

Respectfully submitted,
GIBSON, DUNN & CRUTCHER LLP

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1 DATED: August 22, 2025

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16 DATED: August 22, 2025

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DATED: August 22, 2025

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ECF SIGNATURE ATTESTATION

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests under penalty of perjury that the occurrence in the filing of this document has been obtained from all signatories hereto.

Dated: August 22, 2025

GIBSON, DUNN, & CRUTCHER LLP

By: /s/ Abbey Hudson
Abbey Hudson, SBN 266885

~~[PROPOSED]~~ ORDER

Pursuant to the stipulation of the Parties and for good cause appearing it is HEREBY ORDERED that the Clerk of the Court shall remand this action to the Monterey County Superior Court and to close this case; and that each Party shall bear its own attorney's fees and costs with respect to the removal and subsequent remand of this action.

IT IS SO ORDERED.

Dated: August 22, 2025



U.S. District Court Judge